

CHAPTER NO. 346

SENATE BILL NO. 1232

By Cooper

Substituted for: House Bill No. 1273

By Kisber

AN ACT To amend Tennessee Code Annotated, Title 3; Title 33; Title 36; Title 37; Title 47; Title 56; Title 63; Title 68 and Title 71, relative to the TennCare Program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. In order to protect TennCare patients and ensure the state's compliance with applicable federal regulations or court order, managed care organizations, behavioral health organizations and certain health care providers that receive TennCare funds shall comply with the following requirements:

(1) Whenever a TennCare enrollee is entitled under applicable federal regulations or court order to notice and an opportunity to appeal a provider-initiated reduction, termination or suspension of inpatient hospital care, where the service being provided to the enrollee is to treat an enrollee's chronic condition across a continuum of services when the next appropriate level of medical service is not immediately available, it shall be the duty of the hospital where the patient is receiving care to timely notify the patient's managed care organization of that fact. The hospital shall also have a duty to cooperate with the managed care organization in the provision to the patient of timely notice of his rights under such applicable federal regulations or court order. In the event that a TennCare enrollee continues to receive inpatient care, as authorized by such applicable federal regulations or court order, because the next level of care prescribed for him is not immediately available, the managed care organization shall reimburse the hospital for such additional care. Nothing herein relieves the managed care organization of its ultimate responsibility for ensuring compliance with applicable federal regulations or court order, with respect to the provision of notice and services to the patient.

(2) Whenever a TennCare enrollee is entitled under applicable federal regulations or court order to notice and an opportunity to appeal a provider-initiated reduction, termination or suspension of home health services, it shall be the duty of the home care organization that has been caring for the patient to timely notify the patient's managed care organization of the proposed change. The home care organization shall cooperate with the managed care organization in the provision to the patient of timely notice of his rights under such applicable federal regulations or court order. In the event that a TennCare enrollee continues to receive home health services, as authorized by such applicable federal regulations or court order, the managed care organization shall reimburse the home care organization for such additional services. Nothing herein relieves the managed care organization of its ultimate responsibility for ensuring compliance with applicable federal regulations or court order, with respect to the provision of notice and services to the patient.

(3) Whenever a TennCare enrollee is entitled under applicable federal regulations or court order to notice and an opportunity to appeal a provider-initiated reduction, termination or suspension of inpatient psychiatric or residential service, it shall be the duty of the facility where the patient is receiving care to timely notify the patient's behavioral health organization of the proposed change. The facility shall also have a duty to cooperate with the behavioral health organization in the provision to the patient of timely notice of his rights under such applicable federal regulations or court order. In the event that a TennCare enrollee continues to receive inpatient or residential care, as authorized by such applicable federal regulations or court order, the behavioral health organization shall reimburse the facility for such additional care. Nothing herein relieves the behavioral health organization of its ultimate responsibility for ensuring compliance with applicable federal regulations or court order, with respect to the provision of notice and services to the patient.

(4) Whenever a TennCare enrollee who is classified as severely and persistently mentally ill, or severely emotionally disturbed, is entitled under applicable federal regulations or court order to notice and an opportunity to appeal a provider-initiated reduction, termination or suspension of behavioral health service, it shall be the duty of the health care provider who is caring for the patient to timely notify the patient's behavioral health organization of the proposed change. The provider shall also have a duty to cooperate with the behavioral health organization in the provision to the patient of timely notice of his rights under such applicable federal regulations or court order. In the event that a TennCare enrollee continues to receive such behavioral health service, as authorized by such applicable federal regulations or court order, the behavioral health organization shall reimburse the provider for that additional care. Nothing herein relieves the behavioral health organization of its ultimate responsibility for ensuring compliance with applicable federal regulations or court order, with respect to the provision of notice and services to the patient.

(5) The Commissioner of Finance and Administration is authorized to promulgate public necessity rules pursuant to § 4-5-209 as necessary to implement this act.


SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 24, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 6th day of June 2001


DON SUNDQUIST, GOVERNOR